UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/585,809	04/13/2007	Helmut Fleischer	P06,0247	4111

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EXAMINER
CHANG, SUNRAY

ART UNIT	PAPER NUMBER
2121	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/585,809	FLEISCHER ET AL.
	Examiner	Art Unit
	Sunray R. Chang	2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _17 September 2009_.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _42-49 and 51-56_ is/are pending in the application.
  4a) Of the above claim(s) _1-41 and 50_ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _42-49 and 51-56_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  a)☐ All   b)☐ Some * c)☐ None of:
    1.☐ Certified copies of the priority documents have been received.
    2.☐ Certified copies of the priority documents have been received in Application No. _____ .
    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)
1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____ .
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____ .

Examiner's Detailed Office Action

1.   This Office Action is responsive to communication, filed on September 17th, 2009;

Claims 1 – 41 were cancelled; claim 50 has been further cancelled in the amendment;

Request for Continued Examination has been filed.

Claims 42 – 49 and 51 – 56 are presented for continued examination.

Response to Arguments

Claim Rejections - 35 USC § 103

2.   Applicants amend the claim to further limit the quality data to comprise a tolerance value

range and argue the combination of the references fails to teach so; the examiner is respectfully

disagreed. **Reihl** teaches quality data and a checking step, the quality data can be an expiration

date which is actually a "tolerance value range" (a range of dates); according to Applicants'

specification, the examiner respectfully indicates that there is no specific definition for "a

tolerance value range" for the "quality data", actually, there is no definition for the "quality

data"; The most fit paragraph in the specification which the examiner can find is paragraph

[0040] "… tolerance values for mechanical or electronic components … " which still not

specifically indicates what a quality data is standing for, therefore, the "expiration date" could be

treated as "quality data" as claimed.

3.   Applicants further argue the references fail to teach individual transponder for the toner

and another individual transponder for the bottle, which is agreed, however, it is not as claimed

in current amendment; for example, in claim 42, "storing said production and delivery data and

said quality data in a transponder **associated** with each individual part **or** individual part

aggregate", the examiner should not narrow down the limitation as argued above.

4.   Regarding further amended limitations "before storage reading and checking the quality

data at least one tolerance value range at a quality check station", the examiner further cites

DeGraw reference to be combined with other references for teaching a check station before

storage to accept or reject arrived devices or materials.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459
(1966), that are applied for establishing a background for determining obviousness under 35
U.S.C. 103(a) are summarized as follows:
  1.   Determining the scope and contents of the prior art.
  2.   Ascertaining the differences between the prior art and the claims at issue.
  3.   Resolving the level of ordinary skill in the pertinent art.
  4.   Considering objective evidence present in the application indicating obviousness
           or nonobviousness.

5.   **Claim(s) 42, 53, 55** and **56 is/are rejected** under 35 U.S.C. 103(a) as being unpatentable

over **Reihl** reference and in view of Ruth Frank (U.S. P.G. Pub. No. 2002/0179484, and referred

to as **Frank** hereinafter) and further in view of Uwe Hansmann et al. (U.S. P.G. Pub. No.

2001/0024157, and referred to as **Hansmann** hereinafter) and Chris DeGraw (U.S. Patent No.

6,444,935, and referred to as **DeGraw** hereinafter).

   Reihl teaches,

- A method for controlling material flow in production of a product comprised of a plurality of individual parts or part aggregates, [assure the correct delivery of consumables in printer and copier devices in order to be able to process consumables of different types in the devices, col. 2, lines 28 – 31] comprising the steps of:

- producing said individual parts or part aggregates at a supplier production site; [After the end of the filling procedure, the necessary, variable data such as type of toner and toner fill quantity are transmitted into the variable memory areas of the transponder 13 as well as into the data bank, col. 7, lines 45 – 48]

- recording production and delivery data regarding the individual parts or part aggregates, [containers are delivered with a transport vehicle and are pre-selected in a position with the data of the transponder, col. 7, lines 3 – 10] and in addition to said production and delivery data also recording quality data <u>comprising at least one tolerance value range</u> [toner expiration dates] regarding the individual parts or part aggregates; [toner expiration dates for the consumables are identified and noted, Abstract] storing said production and delivery data and said quality data in a transponder associated with each individual part or individual part aggregate; [the containers can continue to comprise labels readable in clear text that contain the respective identifier of the transponder integrated in the container and also contain data about the container content as well as the filling date, expiration date, name of the filler, owner of the container, intended place of employment (customer), etc., col. 14, lines 33 – 47]

- delivering said individual parts or part aggregates to a goods receipt of a logistic system; [9, 11 fig. 2; sum of those data that are transmitted via the write station 11 into the transponder 13 are simultaneously entered into a data bank 9 within the filling station 3, col. 7, lines 24 – 28; the cleaned and tested containers are intermediately stored in a warehouse, col. 7, lines 13 – 15],

- reading said production and delivery data from the transponder at said goods receipt and using the data for controlling further material flow such that the individual parts or part aggregates are transported in a controlled manner to predetermined, subsequent process stations at an assembly production site; [After cleaning, the containers 2--in a position 2/5-- pass through a testing station 6 at which they are checked for mechanical damage as well as for leaks. The leak test occurs with a compressed air unit. Subsequently, the cleaned and tested containers 2 are intermediately stored in a warehouse 7 (2/6). Containers that are to be filled with toner are supplied directly to the filling station 3; containers that are to be re-employed as waste disposal containers are supplied directly to the transport vehicle 10 that outputs the containers in the direction to the printing center. For distinguishing between toner supply containers and waste disposal containers, these are correspondingly identified as toner or waste supply containers in the transponder, col. 7, lines 11 – 23]

- before storage, reading and checking said quality data at least one tolerance value range at a quality check station of said assembly production site; [a check is then carried out to see whether the toner recipe is acceptable and, potentially, the developer station is enabled for printing, col. 12, lines 2 – 4] and if the quality check yields that said delivered parts or part

aggregates lie outside of the at least one tolerance value range, rejection and return is

automatically activated;

      Reihl further teaches a production site [respective printing location, Abstract]

      Reihl does not teach taking in parts by an operator and storing them in storage until they

are required; detecting a removal of an individual part from the storage or with a transponder

reader; triggering a payment obligation for the operator upon removal of the individual part from

the storage; or before storage, reading and checking said quality data;

      Frank teaches,

- taking in the individual parts by a production site operator and storing them in a production

   site storage until they are required for production; [a patient or resident is thus able to

   associate the identifying feature or label design with the actual personal item which should be

   placed in a given compartment or storage feature, component or device, [0034]] and

- detecting a removal of an individual part from the production site storage or its assembly in

   an aggregate of the product with a transponder reader [transmits a missing item condition

   signal to a central receiving station or computer the presence or absence of items in each

   compartment. Additional controls can also be added to vary the type and detection timing of

   individual personal item sensing units. Sensing units can also consist of passive transponders

   attached to each personal item stored on the tray, [0043]] for the purpose of identification,

   placement, retention, storage, removal and/or accounting of personal items belonging to

   individuals, such as patients, [0001]]

      Hansmann has been further cited for teaching triggering a payment obligation [the

device includes the contactless reader for reading information stored in the contactless label

chipcard, and a component for generating an invoice based on the information received from the contactless label chipcard, Abstract] for accomplishing an easy check-out with enhanced security [0002].

DeGraw has been further cited for teaching a quality control for reception quality check before storage, and if the quality check yields that said delivered parts or part aggregates lie outside of the at least one tolerance value range, rejection and return is automatically activated; [an inspection station operative to inspect a plurality of semiconductor chips and an inclined track down which the semiconductor chips travel. The semiconductor handling device is operative in removing semiconductor chips rejected at the inspection station, and delivering acceptable semiconductor chips to a storage medium, col. 1, lines 38 – 45] for providing a way for handling devices [**DeGraw**, col. 1, lines 5 – 6].

It would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of **Reihl** to include "taking in parts by an operator and storing them in a storage until they are required; detecting a removal of an individual part from the storage or with a transponder reader; triggering a payment obligation for the operator upon removal of the individual part from the storage", for the purpose of identification, placement, retention, storage, removal and/or accounting of personal items belonging to individuals, such as patients, [**Frank**, 0001]], for accomplishing an easy check-out with enhanced security [**Hansmann**, 0002] and for providing a way of handling devices [**DeGraw**, col. 1, lines 5 – 6].

Regarding **claim(s) 43**, **Reihl** teaches the method according to claim 22 wherein

- at least one group of the individual parts is a mass production article that is delivered at the

goods receipt in a quantity of <u>more than five in a container</u>, [7, fig. 2] and wherein

the container comprises

- the transponder in which is stored a common quality score regarding the group of mass

production articles of the container. [Containers that are to be filled with toner are supplied

directly to the filling station 3; containers that are to be re-employed as waste disposal

containers are supplied directly to the transport vehicle 10 that outputs the containers in the

direction to the printing center, col. 7, lines 16 – 20]

Regarding **claim(s) 44**, **Reihl** teaches the method according to claim 24 wherein

- information about a quantity of the plurality of the articles located in the container is

additionally stored in the transponder. [… these are correspondingly identified as toner or

waste supply containers in the transponder, col. 7, lines 16 – 22; the examiner explains,

quantity can be simply "to be filled" or "re-employed" as disclosed by **Reihl** reference]

Regarding **claim(s) 45**, **Reihl** teaches the method according to claim 22 wherein

- at least one of reading **or** writing of data at the transponder occurs with a mobile computer

[an antenna via which a wireless data transfer to a read station 65 can occur, col. 11, lines 6 –

11; 26a, microcontroller, fig. 8; since the "mobile computer" does not have further

limitations for the "mobile computer", **Reihl** reference teaches a read station which can be

used for wirelessly reading or writing data with the transponder] that comprises

- a first interface for wireless communication with the transponder and a second interface for communication with a computer network. [an antenna via which a wireless data transfer to a read station 65 can occur. The read station 65 can be optionally secured to the developer station 14 or to the printer housing and is connected to the process control arrangement 40 via a cable connection (for example, CAN bus), col. 11, lines 6 – 11]

Regarding **claim(s) 47**, **Reihl** teaches the method according to claim 22 wherein

- at least one individual part is **housed** in a package and the transponder is attached on the package. [13, 2/1, fig. 1; the examiner further explains, one individual part of a housing can be item "2/1" and item "13" is the transponder which is attached on the package]

Regarding **claim(s) 48**, **Reihl** teaches the method according to claim 22 wherein

- an aggregate-related transponder is added to an aggregate, and data about the aggregate are stored in the transponder. [… display static information … the type of consumable … updating of the quantity of consumable contained in the container are suitable as information carrier rigidly connected to the container … in particular, transponders are also suitable for this purpose, col. 3, lines 53 – 65; the container can be an "aggregate"]

Regarding **claim(s) 49**, **Reihl** teaches the method according to claim 22 wherein

- the input is recorded at the goods receipt by means of the transponder data. [data stored in the transponder can be supplied to other system components such as a filling station, a central computer with a data bank, and the printer or copier devices, Abstract; 9, 11 fig. 2; sum of

those data that are transmitted via the write station 11 into the transponder 13 are

simultaneously entered into a data bank 9 within the filling station 3, col. 7, lines 24 – 28]

Regarding **claim(s) 50**, **Reihl** teaches the method according to claim 22 wherein

- the data belonging to an individual part and stored on its associated transponder, are stored

  on a transponder located on a finished, assembled product. [Table one in col. 15 – col. 16; the

  examiner further explains, having "←" between "data at/in Printer" and "Data at the

  Container" is the data belonging to an individual part and stored on a assembled product]

Regarding **claim(s) 51**, **Reihl** teaches the method according to claim 22 wherein

- additional data regarding at least one of the recycling or the disposal are stored in a

  transponder associated with an individual part, an aggregate part, **or** an aggregate.

  [distinguishing between toner supply containers and waste disposal containers, these are

  correspondingly identified as toner or waste supply containers in the transponder, col. 7, lines

  20 – 23]

Regarding **claim(s) 52**, **Reihl** teaches the method according to claim 22 wherein

- the data are at least one of recorded, stored or generated in a computer program [the toner

  type, the color thereof as well as the filling level of the container are, for example, binarily

  encoded in the memory (EEPROM) of the toner supply container and are thus stored in

  machine-readable form, col. 11, lines 16 – 20] and

- <u>at least one of</u> the material flow **or** production process are controlled by a computer. [The <u>filling procedure is controlled by a filling computer</u> (microprocessor 52) that is connected via a suitable data line or, respectively, via a network connection to a central computer 51 that contains the data bank 9, col. 14, lines 8 – 12; assure the correct delivery of consumables in printer and copier devices in order to be able to process consumables of different types in the devices, col. 2, lines 28 – 31]

    Regarding **claim(s) 54**,

    Reihl teaches the method for controlling material flow according to claim 22 wherein

- for monitoring of quality of the product further quality data are stored in the transponder at quality check stations for at least one of the individual parts, for aggregates, or for aggregate parts that are comprised of a plurality of individual parts. [identification data stored in the PROM area of the transponder 13 and/or the encoded key data are <u>read out</u> and potentially <u>checked for correctness</u> on the basis of earlier data container in the data bank. The variable data stored in the EEPROM area of the transponder are also <u>checked and updated</u>, col. 7, lines 36 – 40]

    Frank teaches,

- taking in the individual parts by a production site operator and storing them in a production site storage until they are required for production; [a patient or resident is thus able to associate the identifying feature or label design with the actual personal item which should be placed in a given compartment or storage feature, component or device, [0034]] for the

purpose of identification, placement, retention, storage, removal and/or accounting of

personal items belonging to individuals, such as patients, [0001]]

6.   **Claim(s) 46 is/are rejected** under 35 U.S.C. 103(a) as being unpatentable over **Reihl**

reference.

       Reihl teaches the method according to claim 26 wherein

▪   a communication occurs via the computer network interface. [a data network, for example

       via a local area network LAN, via a wide area network WAN or via an Internet connection,

       col. 14, lines 16 – 20]

       Reihl reference does not teach, the network is wirelessly connected;

       However, it is well know in the art that "wireless" is a cable replacement connection,

since there is a network disclosed by **Reihl** reference, it is well know can be replaced by a

wireless connection.

Conclusion

7.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Sunray Chang who may be reached Monday through Friday,

between 8:00 a.m. and 5:00 p.m. EST. via telephone number (571) 272-3682 or facsimile

transmission (571) 273-3682 or email sunray.chang@uspto.gov.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Albert Decady can be reached on (571) 272-3819.

The official facsimile transmission number for the organization where this application or

proceeding is assigned is (571) 273-8300.

Sunray Chang
Patent Examiner
Group Art Unit 2121

/Albert DeCady/
Supervisory Patent Examiner, Art Unit 2121

September 30, 2009